

Attachment 3

R.I.C.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 16 2003
Federal Communication Commission
Bureau of
Audio Division
PM '03

In re Application of:

Capstar TX Limited Partnership
WKXJ(FM), Signal Mountain, TN
Facility I.D. No. 72371

File No. BPH-20030609ADA

and

Order to Show Cause Issued to
CXR Holdings, Inc.
WHZT(FM), Seneca, SC
Facility I.D. No. 5971

File No. BLH-19980629KB

To: Audio Division
Office of Broadcast License Policy
Media Bureau

STATEMENT IN RESPONSE TO ORDER TO SHOW CAUSE

CXR Holdings, Inc. ("CXR"), the licensee of WHZT(FM), Seneca, South Carolina, Facility Identification Number 5971, by its attorneys, hereby responds to the Order to Show Cause issued on September 16, 2003,¹ in response to the above-captioned construction permit modification application filed by Capstar TX Limited Partnership for WKXJ(FM) (the "Capstar Application"), which proposes the modification of WHZT(FM)'s license from Class C to C0. The Order to Show Cause provides CXR with the opportunity, within thirty days of the date of the Order,² to file a written statement to show cause why its license should not be modified to specify Channel 251C0 in lieu of Channel 251C.

¹ A copy of the Order to Show Cause is included as Exhibit 1.

² The Order to Show Cause is dated September 16, 2003, and provides CXR with the opportunity to file a response within thirty days. Pursuant to the Commission's rules, the filing deadline is October 16, 2003, and therefore this response is timely filed. See 47 C.F.R. § 1.4 (2002).

As attested in the Declaration attached as Exhibit 2, CXR hereby expresses its intention to seek authority to modify the facilities of WHZT(FM) to attain minimum Class C antenna height above average terrain. In light of the foregoing, no order should issue modifying the license of WHZT(FM).

Respectfully submitted,

CXR HOLDINGS, INC.

By:



Kevin F. Reed

Nam E. Kim

Its Attorneys

DOW, LOHNES & ALBERTSON, PLLC
1200 New Hampshire Avenue, NW, Suite 800
Washington, D.C. 20036
(202) 776-2000

October 16, 2003

CERTIFICATE OF SERVICE

I, Dan J. Alpert, do hereby certify that true copies of the foregoing document have been served upon the following:

CXR Holdings, Inc.
3993 Howard Hughes Parkway
Suite 250
Las Vegas, NV 89109

Elizabeth A. McFaddan, Esq.
Dow Lohnes & Albertson, PLLC
1200 New Hampshire Ave., N.W.
Suite 800
Washington, DC 20036



Dan J. Alpert